



*Home of the Tualatin River National Wildlife Refuge*

**SHERWOOD CITY COUNCIL MINUTES  
22560 SW Pine St., Sherwood, Or  
June 3, 2013**

**WORK SESSION**

- 1. CALL TO ORDER:** Mayor Bill Middleton called the meeting to order at 5:35 pm.
- 2. COUNCIL PRESENT:** Mayor Bill Middleton, Councilors Dave Grant, Robyn Folsom, Bill Butterfield, Matt Langer, and Krisanna Clark. Council President Linda Henderson arrived at 5:39 pm.
- 3. STAFF AND LEGAL COUNSEL PRESENT:** Joseph Gall City Manager, Tom Pessemier Assistant City Manager, Police Chief Jeff Groth, Brad Kilby Planning Manager, and Sylvia Murphy City Recorder. City Attorneys Chris Crean and Heather Martin.
- 4. TOPICS DISCUSSED:**

**A. Discussion of Proposed Ordinances:**

The City Attorney's office provided a document to the Council members on Proposed Ordinances Regulating Retail Activity (see record, Exhibit A). The City Council conceded to provide the public with a copy of the memorandum which is a confidential Attorney-Client Privileged communication. Mayor Middleton stated the information presented comes from requests and information from the community to enact ordinances. Attorney's Chris Crean and Heather Martin explained the following.

- **Regulating Hours of Operations.** Mr. Crean addressed this item and reminded the Council to consider the information in the 4 sections under General Considerations, specifically the scope of proposed legislation and not being able to single-out a specific shopping center or vendor. He gave examples of large retailers that could be affected by regulated hours of operation. He referenced legislative language indicating the number of employees and reminded of the full effects to all businesses that would fall under this language. He said hours of operation are fairly straight forward and easy to do. He referenced the memo and the recommended placement of the language in the code, somewhere other than in the development code and mentioned placement in Chapter 8. He informed of exemptions and referenced the City of Beaverton using Conditional Use Permits. He informed the Council that changes to the Development Code, Chapter 16, would take longer as 35 day noticing to the State is required with a scheduled hearing. He said changes to other sections of the code could occur quicker. He stated the Council would need to determine the hours of operations and where they would apply.

Council asked regarding activities that occur when the business is closed, such as stocking, receiving deliveries or cleaning and allowing for these activities to occur. Council asked regarding the market demand and if restrictions are necessary, they discussed creating impediments, crime

increases and public safety issues with businesses that operate 24 hours. They discussed conditional use permits for holidays and special event sales. The Council discussed the following:

- Regulating Overnight Parking
- Regulating the Sale of Firearms: Legal Counsel provided information in Exhibit A. Council conceded to not discuss as this item is mandated by state law.
- Regulating the Sale of Alcohol: Legal Counsel provided information in Exhibit A, Council discussion did not occur as this item is mandated by state law.
- Regulating Employment Conditions (Part-time Employees "bill of Rights"):
  - a. Part Time Employees may request full-time schedule without penalty before an employer hires any additional employees:
  - b. Employers must notify employees of their work schedules at least two weeks in advance of the first scheduled work day.
  - c. Proportional benefits for full time and part time employees who work at least 15 hours per week.
  - d. Employers with employees who receive state assistance such as food stamps, Oregon Health Plan assistance, etc. would be require to cover those costs so that they are not borne of state taxpayers.

Mr. Crean reviewed other types of regulations that cities have enacted to create better work environments for employees and informed the Council of a current pending House Bill that proposes a Part Time Employee Bill of Rights. Discussion followed.

The Council discussed code language of the City of Hermiston and Beaverton Oregon and referenced examples in Exhibit A for recreational and overnight parking.

Mr. Crean indicated not included in the exhibit was information on requirements of reoccupying or tearing down of unoccupied facilities. Discussion occurred including discussion of enforcement issues and the Council conceded to not move forward on addressing code language for this topic. The Council concluded that staff and legal counsel would continue to research other topics as indicated in the exhibit and develop proposed ordinance language and or bring back additional information for the Council's consideration.

## **5. ADJOURN:**

Mayor Middleton adjourned the work session at 6:55 pm.

Submitted by:

  
Sylvia Murphy, CMC, City Recorder

  
Bill Middleton, Mayor